

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROY A. DURHAM,	:	Case No. 1:13-cv-226
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
WARDEN MICHAEL SHEETS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 93)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on July 2, 2015, submitted a Report and Recommendations. (Doc. 93). The Petitioner timely filed objections. (Doc. 100).¹

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

¹ Plaintiff's objections reiterate the arguments set forth in his memorandum *contra* to the motion for judgment on the pleadings and in his motion to stay the proceedings (*See* Docs. 83,91). These arguments were fully addressed in the Magistrate Judge's Report and Recommendations. (*See* Doc. 93). This Court adopts the Magistrate Judge's reasoning as explained therein.

1. The Report and Recommendations (Doc. 93) is **ADOPTED**;
2. Plaintiff's motion to stay (Doc. 91) is **DENIED**;
3. Defendants' motion for judgment on the pleadings (Doc. 65) is **GRANTED**;
4. Defendants' motion for extension of time (Doc. 101) is **DENIED** as moot;
and
5. Pursuant to 28 U.S.C. Section 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore, Plaintiff is denied leave to appeal *in forma pauperis*.
6. The Clerk shall enter judgment according, whereupon this civil action is **TERMINATED in this Court**.

IT IS SO ORDERED.

Date: 9/30/2015

/s/Timothy S. Black
Timothy S. Black
United States District Judge